

ARLINGTON COUNTY CODE

Chapter 36

PUBLIC DANCE HALLS

§ 36-1. Definitions.

§ 36-2. Fee.

§ 36-3. Issuance of Permits.

§ 36-4. Requirements for Permit Issuance.

§ 36-5. Application for Permit.

§ 36-6. Period of Permit; Renewal.

§ 36-7. Revocation of Permit.

§ 36-8. Procedure for Revocation of Permits for Public Dance Halls.

§ 36-9. Appeals from Actions of the County Manager.

§ 36-10. Rules and Regulations for Operation of Public Dance Halls.

§ 36-11. Penalties.

§ 36-1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

A. "Public dance hall" means any place open to the general public where dancing is permitted to which an admission fee is charged, or for which compensation is in any manner received, either directly or indirectly, by cover charge or otherwise, or where refreshments or food, or any form of merchandise is served for compensation before, during, or after dancing. The sale of any refreshments, food, or any form of merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for any such dance hall within the meaning of this chapter.

B. This chapter, however, shall not apply to dances held for beneficial or charitable purposes, or when the same are conducted under the auspices of religious, educational, civic or military organizations.

C. "Permit" means a public dance hall permit. Permits shall be separate and distinct from licenses required under the Arlington County Business Privilege License Ordinance, and in addition to permits for public dance halls, licenses for all related activities shall be obtained as required under Chapter 11 of the Code of Arlington County.

(5-28-69)

§ 36-2. Fee.

The fee for a public dance hall permit shall be six hundred dollars (\$600.00).
(5-28-69; Ord. No. 89-7, 7-1-89; Ord. No. 92-13, 4-25-92; Ord. No. 95-9, 4-29-95; Ord. No. 98-11, 7-1-98)

§ 36-3. Issuance of Permits.

- A. A permit to operate a public dance hall is required.
- B. The issuing authority shall be the County Manager of Arlington County.
- C. Permits to operate a public dance hall shall be issued by the County Manager after the granting of a use permit as required by the zoning for site plan buildings, and upon the finding of the facts as required by this

chapter.
(5-28-69; 3-3-73)

§ 36-4. Requirements for Permit Issuance.

A permit shall be issued by the County Manager upon his finding of fact that there is compliance with the following requirements:

A. The premises where the public dance hall is proposed to be located are in conformance with all ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

B. The proposed operation of the public dance hall is in conformance with all ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

C. The operation of the public dance hall in the proposed location, when considered with other existing public dance hall permits in the same general area, is not detrimental to the health, safety, or welfare of the public.

D. On all permits issued for premises where an ABC license has not been issued, or has been revoked, the County Manager shall consider the criteria set forth under Title 4, Section 31 of the Code of Virginia, 1950, as amended.
(5-28-69)

§ 36-5. Application for Permit.

A. Application for a permit shall be made to the County Manager, or his designee.

B. The County Manager shall prescribe the procedures and forms required for application for a permit.
(5-28-69)

§ 36-6. Period of Permit; Renewal.

A permit shall be issued for a period of three hundred sixty-five (365) days from the date of issuance, and shall be renewed in the same manner as the obtaining of a new permit. Application for renewal shall be made no less than thirty (30) days prior to the expiration of the current permit. Notice to show cause for a denial of the renewal shall be given no less than twenty (20) days prior to the expiration of the current permit. Anyone having reasons for denial of the permit shall state their reasons in writing to the County Manager no less than ten (10) days prior to the expiration of the current permit.
(5-28-69; 3-3-73)

§ 36-7. Revocation of Permit.

The County Manager may revoke any permit previously issued upon the finding of reasonable cause to believe one or more of the following:

A. That the premises for which the permit was issued does not conform with all applicable ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

B. That the operation of the public dance hall under a permit issued has been detrimental to the health, welfare, or safety of the community or the people of the community, or that the behavior at the public dance hall has resulted in breaches of the peace or that the operation of the dance hall has been in a disorderly manner.

C. That inspection on the direction of the County Manager or the police of Arlington County has been hampered or obstructed in any way at any time during the day whether the dance hall was in operation or not,

during the night when the dance hall is in operation.

D. In revoking a permit at any premises where an ABC license has not been issued or has been revoked, the County Manager shall consider the criteria set forth under Title 4, Section 31 of the Code of Virginia, 1950, as amended, and may revoke for a violation thereof.

E. Upon revocation of a permit by the County Manager, further application by the original holder shall not be considered for a period of three hundred sixty-five (365) days from the effective date of revocation.
(5-28-69)

§ 36-8. Procedure for Revocation of Permits for Public Dance Halls.

A. The County Manager shall not revoke a permit for a public dance hall until the holder of the permit has been given notice as herein provided and the County Manager has held a public hearing on the issue of revocation.

B. Such hearing shall not be conducted prior to the service of a ten (10) day notice of such hearing by certified mail, return receipt requested, on the holder of the permit at the address indicated on the application for the permit.

1. Failure of the U.S. Post Office to serve certified mail on the applicant at the address on the application when no change of address has been filed with the County Manager is considered sufficient notice for the conduct of the hearing.
2. Personal service by an agent of the County Manager on the holder of the permit or his agent or employee at the premises for which the permit is granted, shall be deemed sufficient notice.

C. The notice of the hearing shall set forth the grounds to be relied upon by the County Manager for the determination of the question of revocation, but need not set forth the details of the evidentiary matter in support thereof.

D. The County Manager shall conduct the hearing as an informal administrative hearing and may hear new and additional evidence beyond that set forth in the notice, and the applicant may be given, if requested, ten (10) days to file affidavits of rebuttal to such new changes which will not, however, prejudice the County Manager from calling before him the affiants and subjecting them to expiration.
(5-28-69)

§ 36-9. Appeals from Actions of the County Manager.

A. Every applicant or holder of a permit for a public dance hall who is aggrieved by the decision of the County Manager in refusing to issue a permit or in revoking an existing permit, shall be entitled within ten (10) days of such decision to file an appeal with the County Board of Arlington County for a review of the decision of the County Manager.

B. Any citizen aggrieved by the action of the County Manager in the issuance of a permit may, within ten (10) days of the issuance of such permit, appeal to the County Board for a review of the decision of the County Manager.
(5-28-69)

§ 36-10. Rules and Regulations for Operation of Public Dance Halls.

A. It is the responsibility of the holder of a permit to see that all rules and regulations are obeyed on the premises for which a permit is issued, and to see that unobstructed admittance is provided at all times for agents of the County Manager or law enforcement officers for observation of compliance with all applicable ordinances and regulations of Arlington County and laws and regulations of the Commonwealth of Virginia.

B. Dancing shall be stopped at such times as person participating therein become disruptive of the public peace or good order of the establishment.

C. Dancing shall be permitted only between the hours of 5:00 p.m. and 2:00 a.m. Use of the public dance hall area for the purpose of dancing shall not be permitted between the hours of 2:00 a.m. and 5:00 p.m.
(5-28-69; Ord. No. 91-3, 3-2-91)

§ 36-11. Penalties.

In addition to the procedures set forth for revocation of a permit and independent thereof, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense.
(5-28-69)